

LABOUR AND EMPLOYMENT DEPARTMENTS

The 18th August, 1980

No. 12(129)-78-6Lab.—The Governor of Haryana is pleased to constitute the "Departmental Consultative Committee" for Labour and Employment Departments with the following official and non-official members for advising the Government on matters of general public interest, Government policies and progress of implementation of projects/programmes :—

- (1) Minister of Labour and Employment .. Chairman
- (2) Deputy Minister of Labour and Employment .. Vice-Chairman
- (3) Commissioner and Secretary to Government, Haryana, Labour and Employment Departments .. Member
- (4) Shri Pritam Singh, V. & P. O. Sihai, Sector 8, Faridabad .. Member
- (5) Shri Genda Singh, son of Shri Katha Singh, V. & P. O. Bhurewala, tehsil Naraingarh, Ambala .. Member
- (6) Shri Shyam Singh, son of Shri Nathi Ram, (Resident of Islam Nagar), Advocate, Karnal .. Member
- (7) Shri Deep Chand Bhatia, MLA, Faridabad .. Member
- (8) Sardar Baljeet Singh, Associated Industries, 22-B NIT, Faridabad .. Member
- (9) Shri Randhir Singh, son of Shri Mohan Lal (Resident of village Matrasham) Chaudhry Kiriana Store, Talaki Gate, Hissar .. Member
- (10) Shri G. C. Joshi, President, INTUC, 150, Chhoti Line, Santpura, Model Town, Yamuna Nagar (Ambala) .. Member
- (11) Labour Commissioner/Director, Employment, Haryana .. Member/Secretary

2. The Committee will meet at least 6 times in a year under the Chairmanship of the Minister-in-charge.

3. The functions of the Committee shall be to advise the Minister-in-charge on general public interest, Government policies and progress of implementation of projects/programmes. The meeting will also afford a forum for ventilating public grievances relating to the Department concerned. In respect of any matter intended to be raised at a meeting of the Committee notice shall be given to the Member/Secretary concerned at least fifteen days before the date of said meeting.

4. The headquarters of the Committee shall generally be at Chandigarh and its duration shall normally be for two years but Government by its express orders may reconstitute the committee earlier.

5. Members of the Committee will draw T.A. as under:—

- (a) The Legislators in their *ex-officio* capacity under the Punjab Legislative Assembly (Allowances of members) Act, 1942, and the Rules made thereunder, as in force at present or as amended from time to time.
- (b) The expenditure on account of T.A. Bill of the members of the Legislature shall be paid by the Department concerned direct. The T. A. Bills of the members of the Legislature will, however, continue to be countersigned by the Secretary, Haryana Vidhan Sabha.

- (c) T. A. for attending the meetings of the Committee should be allowed to the members from their permanent place of residence to the place of the meeting. If, however, a member attends a meeting, from a place other than the place of his permanent residence, T.A. should be allowed to him either from the place of his residence or from where he attends the meeting which ever is nearer.
- (d) The Director, Employment/Labour Commissioner will be controlling officer in respect of non-official members only.

6. The expenditure on account of travelling allowance/daily allowance of the members shall be debited to the sanctioned Budget grant of Labour Department under the head "287—Labour and Employment—A—Labour—A—(i) Direction and Administration—Travel Expenses (Non-Plan)" and of the Employment Department under the head "287—Labour and Employment—B—Employment and Training—B—I—Direction and Administration".

7. This issues with the approval of Finance Department,—*vide* their U.O.No. 3624-4FDIII-80, dated 28th November, 1980.

H. L. GUGNANI,
Commnr. and Secy.

LABOUR DEPARTMENT

The 25th November, 1980

No. 11(112)-80-8Lab./12035.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Anil Rubber Mills, Sector 6, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 458 of 1978

between

SHRI RAM RAJ, WORKMAN AND THE MANAGEMENT OF M/S ANIL RUBBER MILLS,
SECTOR 6, FARIDABAD

Present—

Shri P. K. De, for the workman.

Shri H. R. Dua, for the management.

AWARD

By order No. ID/FD/85-78/43147, dated 27th September, 1978, the Governor of Haryana referred the following dispute between the management of M/s Anil Rubber Mills, Sector 6, Faridabad and its workman Shri Ram Raj, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Raj was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 9th February, 1979 :—

(1) Whether the domestic enquiry is proper and fair ?

(2) Whether the termination of services of the workman was justified and in order ?

(3) If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management,

Issue No. 1 was tried as preliminary and the same was decided in favour of the management,—*vide* order, dated 8th April, 1980. Then the case was fixed for the evidence of the management on the remaining issues. The management examined Shri Anil Khanna, partner, as M.W. 2 and the workman as his own witness as W.W. 1. The parties closed their case. Arguments were heard. Now I give my finding issueswise :—

Issue No. 2.—M.W. 2 stated that after considering the findings of enquiry on the charge-sheet, the management decided to terminate the services of the workman. In cross-examination he stated that the charge-sheet and finding of enquiry were the basis of termination order. He could not tell if a

report was lodged with the police for theft. W.W. I stated that enquiry was conducted against him but he was not given any show-cause notice or dismissal order. Punishment given to him is very excessive. In cross-examination he denied receipt of Ex. M.M. final show-cause notice. He also denied that he refused to receive Ex. M.M. final show-cause notice. The representative for the management argued that the charges against the workmen were of theft and after considering the finding of the enquiry his services were terminated. On the other hand the representative for the workman argued that the punishment was excessive. I do not find any merit in the contention of the representative of the workman because the charges were serious in nature. Therefore, order of dismissal is justified. I decide this issue in favour of the management.

Issue No. 3.—The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief. I order accordingly.

Dated the 22nd October, 1980.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 971, dated the 27th October, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(II2)-80-8Lab/12162.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Haryana Textile, Bhiwani.

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD**

Reference No. 268 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S HARYANA TEXTILE, BHIWANI

Present—

Shri S. R. Gupta, for the workman.

Shri Dharam Singh, for the management.

AWARD

By order No. ID/HSR/2-B-78/33871, dated 19th July, 1978, the Governor of Haryana referred the following disputes between the management of M/s Haryana Textile, Bhiwani and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the grades of workmen of all the categories should be framed ? If so, with what details ?
2. Whether the workers are entitled for increase and dearness allowance ? If so, with what details ?
3. Whether the workmen are entitled to housing accommodation or an allowance in lieu thereof ? If so, with what details ?
4. Whether the workmen are entitled to cycle allowance ? If so, with what details ?
5. Whether the rates of the wages of contract labours should be increased ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 28th November, 1979 and the case was fixed for the evidence of the workmen. The parties did not adduce their evidence

on one pretext or the other. But on the last date of hearing the representative for the workmen stated that the factory has been closed and all the workmen had settled their accounts with the management and are not interested in pursuing the said reference.

In view of the statement given the representative for the workmen, I give my award that the workmen have settled their accounts with the management and there is no dispute now pending for adjudication between the parties.

Dated the 27th October, 1980.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 980, dated the 29th October, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-8Lab/12164.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Northern Steel Company, Mathura Koad, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 289 of 1979

between

SHRI ARJUN SINGH, WORKMAN AND THE MANAGEMENT OF SHRI JAGDISH RAI, CONTRACTOR, C/O M/S NORTHERN STEEL COMPANY, MATHURA ROAD, FARIDABAD

Present :—

Shri P. K. De, for the workman.
Shri R. C. Sharma, for the management.

AWARD

By order No. FD/58-79/41050, dated 18th September, 1979, the Governor of Haryana referred the following dispute between the management of Shri Jagdish Rai, Contractor, c/o M/s Northern Steel Company, Mathura Road, Faridabad and its workman Shri Arjun Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of service of Shri Arjun Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 3rd December, 1979 and the case was fixed for the evidence of the workman. He was given four opportunities to produce his evidence but he did not produce any. Therefore, his case was closed. On the next date of hearing the representative for the workman withdrew from the proceedings pleading no instructions. Therefore, the case was fixed for *ex parte* evidence of the management who examined their Personnel Officer as MW-1 and closed their case. *Ex parte* arguments were heard. I now give my finding issueswise:—

Issue No. 1.—MW-1 stated that the workman was a contractor with the management from 1st January, 1979. Ex. M-1 contains terms of contract and describe Shri Arjun Singh as a Contractor. MW-2 his certificate of registration of Government of Haryana in which Shri Arjun Singh's name appears in the column of Contractor. He also produced Ex. M-4 to M-10 bills submitted for payment to respondent. Payment vouchers Ex. M-3, M-11 to M-16 were also produced by him.

I have gone through various documents and find that Shri Arjun Singh was a contractor. There is no reason to disbelieve the solitary statement of the management witness. Therefore, I hold that the workman was not an employee of the management and he was a contractor. This issue is decided accordingly.

Issue No. 2—In view of the above there is no need to give finding on issue No. 2.

While answering the reference, I give my award that the workman Shri Jagdish Rai was not an employee of the management and he was a Contractor. The workman is not entitled to any relief.

Dated the 28th October, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 982, dated 29th October, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

M. C. BHARDWAJ
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 11(112)-80-8Lab/12168 A.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Mukand Industrial Fasteners, Modern Industrial Estate, Bahadurgarh.

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 46 of 1980

between

**THE WORKMEN AND THE MANAGEMENT OF M/S MUKAND INDUSTRIAL
FASTENERS, MODERN INDUSTRIAL ESTATE, BAHUDURGARH**

Present :—

None for the workmen.

Shri M. M. Kaushal, for the management.

AWARD

By order No. ID/RTK/12/80/36058, dated 9th July, 1980, the Governor of Haryana referred the following dispute between the management of M/s. Mukand Industrial Fasteners, Modern Industrial, Estate, Bahadurgarh and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Sarvshri Mohan Lal and Phool Singh was justified and in order? If not, to what relief are they entitled?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workmen did not appear. On the last date of hearing the representative for the management stated that a settlement has been arrived at between the parties and the workmen have taken their full and final accounts. Receipt is Exhibit M-1 and resignation of the workmen are Exhibit M-2 and M-3.

I, therefore, give my award that the workmen have taken their full and final accounts from the management and there is no dispute now pending for adjudication between the parties.

M. C. BHARDWAJ,

Dated the 28th October, 1980.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 985, dated 29th October, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.